

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79231 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- RAXAUL District- East Champaran

Amit Kumar @ Ishwar S/O Arjun Sharma @ Arjun Thakur R/O Village-
Satwariya, P.S- Sathi, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Raxaul P.S. Case No. 244 of 2024 for the offence punishable under Sections 126(2), 127(2), 64 of the B.N.S. , lodged on 18.07.2024 by the informant, Poonam Kumari.

3. As per the prosecution story, the informant alleged that behind her husband, he used to come and commit rape in her room, also took her for marketing and lastly, on the fateful day, took her to a hotel and again raped her, which led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR shows that the husband of the informant was serving under him, there was an issue relating to the payment being aggrieved, the present case. He further submits that a



perusal of FIR shows that even otherwise, it shows her consent inasmuch as she accepts that she used to go to market along with him. He shall be diligently appear in trial, has remained in custody since 19.7.2024 (para-12 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the lady has alleged rape.

6. Though the allegation is there, the fact remains that there is delay in lodging the FIR inasmuch as she alleges that it was happening since one year, he has remained in custody since 19.7.2024, do not have criminal antecedent, he shall be facing the trial and charge-sheet has already been submitted, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Raxaul at Mothiari, in connection with Raxaul P.S. Case No. 244 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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